

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

Bruce L. Hill,

Plaintiff,

v.

Civil Action No.: 3:23-cv-00140-REP

Equifax Information Services, Inc., *et al.*,

Defendants.

**DEFENDANT VERIZON NEW JERSEY INC.'s (erroneously sued as "VERIZON COMMUNICATIONS, INC.") ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant Verizon New Jersey Inc. (erroneously sued as "Verizon Communications, Inc.") ("Defendant"), by and through its undersigned counsel, for itself and for no other party, hereby answers the Complaint and Demand for Jury Trial ("Complaint") of Plaintiff Bruce L. Hill ("Plaintiff"), responding to the correspondingly numbered paragraphs thereof.

**PRELIMINARY STATEMENT**<sup>1</sup>

1. Answering Paragraph 1, the allegations consist of legal conclusions to which no response is required. If a response is required, Defendant denies the allegations to the extent they misstate the law.

2. Answering Paragraph 2, the allegations consist of legal conclusions to which no response is required. If a response is required, Defendant denies the allegations to the extent they misstate the law.

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<sup>1</sup> The Complaint's headings are repeated herein for organizational purposes only but should be considered denied.

3. Answering Paragraph 3, Defendant states that the referenced reports speak for themselves. To the extent a response is required, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

4. Answering Paragraph 4, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

5. Answering Paragraph 5, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

6. Answering Paragraph 6, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

7. Answering Paragraph 7, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

8. Answering Paragraph 8, Defendant admits only that Plaintiff's Complaint attempts to allege violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, *et seq.* against Experian, Equifax and Trans Union. As to the remaining allegations, Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis, denies them.

9. Answering Paragraph 9, Defendant admits only that Plaintiff's Complaint attempts to allege violations of the FCRA against it. Defendant expressly denies violating the FCRA in any way.

#### **JURISDICTION AND VENUE**

10. Answering Paragraph 10, the allegations consist of legal conclusions to which no response is required. If a response is required, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

11. Answering Paragraph 11, the allegations consist of legal conclusions to which no response is required. If a response is required, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

### **JURISDICTION AND VENUE**

12. Answering Paragraph 12, Defendant admits that Plaintiff is a natural person. As to the remaining allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

13. Answering Paragraph 13, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

14. Answering Paragraph 14, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

15. Answering Paragraph 15, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

16. Answering Paragraph 16, Defendant admits only that it is a New Jersey corporation that is qualified to do business in Virginia. The remaining allegations consist of legal conclusions to which no response is required. If a response is required, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

### **FACTS**

17. Answering Paragraph 17, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

18. Answering Paragraph 18, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

19. Answering Paragraph 19, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

20. Answering Paragraph 20, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

21. Answering Paragraph 21, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

22. Answering Paragraph 22, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

23. Answering Paragraph 23, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

24. Answering Paragraph 24, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

25. Answering Paragraph 25, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

26. Answering Paragraph 26, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

27. Answering Paragraph 27, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

28. Answering Paragraph 28, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

29. Answering Paragraph 29, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

30. Answering Paragraph 30, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

31. Answering Paragraph 31, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

32. Answering Paragraph 32, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

33. Answering Paragraph 33, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

34. Answering Paragraph 34, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

35. Answering Paragraph 35, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

36. Answering Paragraph 36, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

37. Answering Paragraph 37, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

38. Answering Paragraph 38, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

39. Answering Paragraph 39, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

40. Answering Paragraph 40, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

41. Answering Paragraph 41, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

42. Answering Paragraph 42, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

43. Answering Paragraph 43, Defendant denies the allegations.

***Defendants' FCRA Violations Were Willful***

44. Answering Paragraph 44, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

45. Answering Paragraph 45, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

46. Answering Paragraph 46, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

47. Answering Paragraph 47, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

48. Answering Paragraph 48, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

49. Answering Paragraph 49, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

50. Answering Paragraph 50, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

51. Answering Paragraph 51, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

52. Answering Paragraph 52, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

53. Answering Paragraph 53, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

54. Answering Paragraph 54, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

55. Answering Paragraph 55, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

56. Answering Paragraph 56, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

57. Answering Paragraph 57, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

58. Answering Paragraph 58, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

59. Answering Paragraph 59, Defendant denies the allegations.

**COUNT ONE – VIOLATION OF FCRA, 15 U.S.C. § 1681e(b)**

**(Experian, Equifax and Trans Union)**

60. Answering Paragraph 60, Defendant incorporates by reference all preceding answering paragraphs, as if fully set forth herein.

61. Answering Paragraph 61, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

62. Answering Paragraph 62, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

63. Answering Paragraph 63, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

**COUNT TWO – VIOLATION OF FCRA, 15 U.S.C. § 1681i**

**(Experian, Equifax and Trans Union)**

64. Answering Paragraph 64, Defendant incorporates by reference all preceding answering paragraphs, as if fully set forth herein.

65. Answering Paragraph 65, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

66. Answering Paragraph 66, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

67. Answering Paragraph 67, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

**COUNT THREE – VIOLATION OF FCRA, 15 U.S.C. § 1681s-2(b)(1)(A)**

**(Verizon)**

68. Answering Paragraph 68, Defendant incorporates by reference all preceding answering paragraphs, as if fully set forth herein.

69. Answering Paragraph 69, denies the allegations.

70. Answering Paragraph 70, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

71. Answering Paragraph 71, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

72. Answering Paragraph 72, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

73. Answering Paragraph 73, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

74. Answering Paragraph 74, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

75. Answering Paragraph 75, Defendant expressly denies that it did anything unlawful or violated the FCRA in any way. As to the remaining allegations, Defendant is



without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

76. Answering Paragraph 76, Defendant expressly denies that it did anything unlawful or violated the FCRA in any way. As to the remaining allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

77. Answering Paragraph 77, Defendant denies the allegations.

78. Answering Paragraph 78, Defendant denies the allegations.

79. Answering Paragraph 79, Defendant denies the allegations.

**COUNT FOUR – VIOLATION OF FCRA, 15 U.S.C. § 1681s-2(b)(1)(B)**

**(Verizon)**

80. Answering Paragraph 80, Defendant incorporates by reference all preceding answering paragraphs, as if fully set forth herein.

81. Answering Paragraph 81, denies the allegations.

82. Answering Paragraph 82, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

83. Answering Paragraph 83, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

84. Answering Paragraph 84, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

85. Answering Paragraph 85, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis, denies them.

86. Answering Paragraph 86, Defendant denies the allegations.

87. Answering Paragraph 87, Defendant denies the allegations.

88. Answering Paragraph 88, Defendant denies the allegations.

89. Answering the unnumbered “WHEREFORE” paragraph following Paragraph 88 Defendant denies that Plaintiff is entitled to the requested relief, or any other relief whatsoever.

90. Answering the unnumbered jury demand, Defendant admits that Plaintiff demands a trial by jury.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

1. Defendant reserves the right to compel contractual arbitration.

#### **SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff fails to state a claim upon which relief can be granted against Defendant.

#### **THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff’s claims are barred in whole or in part by the applicable statute of limitations.

#### **FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiff is barred from obtaining the relief sought in the Complaint by the doctrines of estoppel, waiver, unclean hands, laches, or other equitable doctrines.

#### **FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff’s claims are barred in whole or in part because Plaintiff has failed to mitigate his alleged damages, if any.

#### **SIXTH AFFIRMATIVE DEFENSE**

6. Plaintiff’s claims are barred in whole or in part because Plaintiff consented to, ratified, or acquiesced in all of the alleged acts or omissions alleged.

#### **SEVENTH AFFIRMATIVE DEFENSE**

7. Defendant’s conduct was privileged or justified.

#### **EIGHTH AFFIRMATIVE DEFENSE**

8. Plaintiff has waived any and all claims, rights and demands made in the Complaint.

#### **NINTH AFFIRMATIVE DEFENSE**

9. Plaintiff's claims may be barred because the acts or omissions of which Plaintiff complains have been approved or mandated, implicitly or expressly, by applicable statutes and regulations.

**TENTH AFFIRMATIVE DEFENSE**

10. Plaintiff's claims may be barred because Defendant at all times complied in good faith with all applicable statutes and regulations.

**ELEVENTH AFFIRMATIVE DEFENSE**

11. Defendant specifically denies that it acted with any willfulness, oppression, fraud or malice towards Plaintiff.

**TWELFTH AFFIRMATIVE DEFENSE**

12. Any harm alleged in the Complaint can be attributed to several causes, and the damages for this harm, if any, should be apportioned among the various causes according to the contribution of each cause to the harm sustained.

**THIRTEENTH AFFIRMATIVE DEFENSE**

13. If Plaintiff suffered or sustained any loss, injury, damage or detriment, it was directly and proximately caused and contributed to by the breach, conduct, acts, omissions, activities, carelessness, recklessness, negligence, or intentional misconduct of others, including Plaintiff, and not by Defendant.

**FOURTEENTH AFFIRMATIVE DEFENSE**

14. If Plaintiff suffered or sustained any loss, injury, damage or detriment, it was directly and proximately caused and contributed to by the intervening acts of others, and not by Defendant.

**FIFTEENTH AFFIRMATIVE DEFENSE**

15. If Plaintiff prevails against Defendant, Defendant's liability is several and limited to its own actionable segment of fault, if any.

**SIXTEENTH AFFIRMATIVE DEFENSE**

16. As a separate, affirmative defense, Defendant alleges that Plaintiff's Complaint fails as a matter of law due to lack of standing to bring this action.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

17. Plaintiff's claim for punitive damages is improper to the extent it violates the due process protections afforded by the Fifth and Fourteenth Amendments of the United States Constitution, the Virginia Constitution, and standards set forth in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003); *Pacific Mutual Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991).

**EIGHTEENTH AFFIRMATIVE DEFENSE**

18. Defendant specifically gives notice that it intends to rely upon such other defenses as may become available by law, or pursuant to statute, or during any further discovery proceedings of this case, and hereby reserves the right to amend its Answer and assert such defenses.

WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff takes nothing by reason of the Complaint;
2. For its costs of suit herein;
3. For attorney's fees to the extent available by law or contract; and
4. For such other and further relief as this Court may deem just and proper.

Dated: May 12, 2023.

/s/ J. Caleb Jones  
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H. Robert Showers, Esq. (VSB #34799)  
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Communications, Inc.")

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